IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1929 OF 2005

Salman Anis Dolare & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.H.A.Solkar for Applicants.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 24, 2005.

P.C.

1. Heard Counsel for the parties.

2. The Court below has rejected the Anticipatory Bail Application preferred by the Applicants, especially because the Applicants did not appear at the time of hearing of the Application before the Court.

3. The reason indicated by the Counsel for

the Applicants is that the Applicants were threatened that if they appear before the Court, they will be arrested, as there was no interim protection given to them. There is no reason to doubt the apprehension entertained by the Applicants in this behalf.

4. Instead of going into the merits of the case, I would think it appropriate to relegate the Applicants before the Additional Sessions Judge, Kalyan, who, in turn, shall consider fresh Anticipatory Bail Application, on its own merits, in accordance with law.

5. All the Applicants have appeared before this Court, pursuant to direction so given on the previous date.

6. If the Additional Session Judge, Kalyan, is of the opinion that the presence of the Applicants at the time of hearing of the Application is essential, he may pass necessary directions in that behalf, which, the Applicants are willing to abide, provided, the Applicants are

protected till they appear before the Court and up to the hearing and final disposal of the Application, to be so filed.

7. Accordingly, this Application is disposed of with interim protection to the Applicants till 29th March 2005, on or before which date, they shall move the Additional Sessions Judge, Kalyan with fresh Application for anticipatory bail, if so advised, after giving advance notice to the Investigating Officer.

8. Till such time, Applicants shall co-operate for the purpose of investigation as and when called upon.

A.M.KHANWILKAR, J.